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17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA**

19 CISCO SYSTEMS, INC.,)
)
 20 Plaintiff,)
)
 21 v.)
)
 22 ARISTA NETWORKS, INC.,)
)
 23 Defendant.)
)
 24)

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CASE NO. 5:14-cv-05344-BLF

**PLAINTIFF CISCO SYSTEMS, INC.'S
 SUPPLEMENTAL OBJECTIONS AND
 RESPONSES TO DEFENDANT
 ARISTA NETWORKS, INC.'S
 INTERROGATORY NOS. 2-10**

1 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Cisco
2 Systems, Inc. ("Cisco"), by counsel, hereby provides the following supplemental objections and
3 responses to Defendant Arista Networks, Inc.'s ("Arista's") Interrogatory Nos. 2-10 (the
4 "Interrogatories").

5 **GENERAL OBJECTIONS**

6 Cisco makes the following general objections to Arista's Interrogatories, which apply to
7 each interrogatory regardless of whether the general objections are specifically incorporated into
8 the specific objections and responses below.

9 1. Cisco is responding to each interrogatory as it interprets and understands each
10 interrogatory with respect to the issues in this Litigation. If Arista asserts a different interpretation
11 of any interrogatory, Cisco reserves the right to supplement or amend its responses or objections.

12 2. Cisco objects to each interrogatory to the extent it is inconsistent with or seeks to
13 impose obligations beyond those imposed by the Federal Rules of Civil Procedure, the Civil and
14 Patent Local Rules of the Northern District of California, and any orders governing this Litigation.

15 3. Cisco objects to the definitions of "Cisco," "You," and "Your," to the extent that
16 the definitions are overly broad and purport to require Cisco to provide information that is not
17 within the possession, custody, or control of Cisco.

18 4. Cisco objects to Arista's definition of "Asserted Patents" and "Asserted Claim" to
19 the extent that Arista's use of those terms in its interrogatories to Cisco renders certain of Arista's
20 Interrogatories as constituting multiple discrete subparts that are in fact multiple, separate
21 interrogatories.

22 5. Cisco objects to the definitions of "CLI Command" and "Network Management
23 Product" to the extent that these terms are vague and ambiguous with respect to their scope and
24 application as used by Arista, rendering these terms at least potentially unclear with respect to
25 what particular devices are intended to be incorporated thereby, and further on the grounds that
26 use of the terms in Arista's Interrogatories renders those interrogatories overbroad and unduly
27 burdensome to the extent that the discovery sought by such interrogatories is not reasonably tied to
28 Cisco's claims or Arista's defenses in this Litigation. Cisco further objects to the use of these

23. Cisco objects to each interrogatory as premature to the extent it calls for documents or information that is the subject of later disclosure deadlines in this Litigation and/or expert reports and testimony, including as set forth in Rule 26(a)(2) of the Federal Rules of Civil Procedure, the Patent Local Rules of the Northern District of California, and the Case Management Order to be entered in this Litigation.

24. Any Cisco response that it will provide information or produce documents should not be construed to mean that responsive information or documents in fact exist; only that, if such relevant, non-privileged, non-objectionable information or documents exist, are in Cisco's possession, custody, or control, and are located after a reasonable search of the location or locations where responsive information or documents are likely to be located, such information or documents will be produced in a timely manner.

25. Cisco further reserves all rights to supplement its responses to Arista's Interrogatories in compliance with the Federal Rules of Civil Procedure, including under Rule 26(e), as well as the Civil and Patent Local Rules of the Northern District of California and any orders governing this Litigation, and as Cisco's investigation and discovery proceeds in this Litigation.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

Identify with specificity every similarity that Cisco contends is a basis for its claim of copyright infringement, including the source material in Cisco's copyrighted work(s) that Cisco contends is the source of the similarity; the material in the allegedly infringing work(s) that Cisco contends reflects the similarity, and why Cisco contends that the source material is protected by copyright.

RESPONSE TO INTERROGATORY NO. 1:

Cisco incorporates by reference its General Objections as though fully set forth herein. Cisco further objects to this interrogatory as irrelevant and not calculated to lead to the discovery

1 of admissible evidence to the extent it calls for evidence pertaining to specific similarities between
2 Cisco's copyrighted works and Arista's accused products. Cisco further objects to this
3 interrogatory to the extent that it calls for information that is publicly available, equally available
4 to Arista, and/or in Arista's control, and therefore is of no greater burden for Arista to obtain than
5 for Cisco to obtain. Cisco further objects to this interrogatory as compound. Cisco also objects to
6 this interrogatory as undefined, vague, ambiguous, overbroad, and unduly burdensome in its use of
7 the terms "with specificity," "every similarity," "why Cisco contends that the source material is
8 protected by copyright." Cisco further objects to this interrogatory as premature contention
9 discovery, especially in light of Arista's failure to produce information regarding its accused
10 products, including source code. Cisco further objects to this interrogatory on the grounds that it
11 prematurely seeks expert testimony. Cisco further objects to this interrogatory to the extent it
12 seeks information that is protected by the attorney-client privilege, that constitutes attorney work-
13 product, or that is protected by any other applicable privilege, protection, or immunity, including
14 without limitation in connection with the common interest doctrine.

15 Subject to and without waiver of its general and specific objections, Cisco incorporates by
16 reference, as if fully set forth herein, its operative complaint and all documents cited therein,
17 including Cisco's copyright registrations as well as any subsequent amendments thereto. Cisco
18 further responds, pursuant to Fed. R. Civ. P. 33(d), that Cisco will produce documents containing
19 information responsive to this interrogatory, which information may be obtained from the
20 documents by Arista as easily as by Cisco.

21 In addition to the examples set forth in Exhibits 1 and 2 to Cisco's operative complaint,
22 Cisco identifies in Exhibit A similarities between Cisco's copyrighted works and Arista products.
23 Each of the Cisco works cited in Exhibit A is protected by copyright because each of these works
24 constitutes an original work of authorship fixed in a tangible medium of expression. Each Cisco
25 work in Exhibit A contains expressive content, which is the subject of copyright protection.
26 Further, each Cisco document cited in Exhibit A was first published in the United States and was
27 authored by at least one author who is a national or domiciliary of the United States. *See, e.g.,*
28 Cisco copyright registrations attached to Cisco's operative complaint. Cisco has complied with all

1 applicable statutory formalities related to these copyrighted works. Additionally, because many of
2 the Cisco works cited in Exhibit A were deposited with copyright registrations within five years of
3 publication, the certificate of registration for these documents constitutes prima facie evidence of
4 the validity of the underlying copyrights. *See, e.g.*, Cisco copyright registrations attached to
5 Cisco's operative complaint. For the remainder of the Cisco works cited in Exhibit A, the
6 copyright registration certificates constitute evidence of the validity of Cisco's copyrights.

7 Cisco's discovery efforts in this case are ongoing, and Cisco reserves the right to further
8 supplement this response in light of facts learned during discovery, including information
9 regarding Arista's accused products and expert discovery.

10
11 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

12 Subject to and without waiver of its general and specific objections, Cisco further responds
13 as follows:

14 The similarity between Cisco's copyrighted works and Arista's accused products is also
15 evidenced by Arista's copying of numerous multi-word command expressions from Cisco's
16 copyrighted works. Each of those command expressions identified by Cisco in its copyrighted
17 works represents an original, creative expression. Attached as Exhibit B is a more comprehensive
18 listing of the multiword command expressions from Cisco's copyrighted works that were copied
19 by Arista, as well as the version(s) of Arista's infringing works that contain these protected
20 elements.

21 Arista also has copied Cisco's copyrighted command hierarchies. The organization of
22 Cisco's command expressions represents an original, creative contribution to Cisco's copyrighted
23 works. Because Cisco's command expressions are organized hierarchically, the copying of
24 Cisco's command expressions, described in Exhibit B, itself reflects Arista's copying of Cisco's
25 command hierarchies.

26 Arista has also copied Cisco's command modes and prompts, which also represent original
27 and creative contributions to Cisco's copyrighted works. For example, Cisco's copyrighted works
28 include "EXEC," "Privileged EXEC," "Global configuration," and "Interface configuration"

1 modes, the names of which are duplicated in Arista's infringing products, using substantially
 2 similar prompts. Attached as Exhibit C is a more comprehensive listing of the command modes
 3 and prompts from Cisco's copyrighted works that were copied by Arista, as well as the version(s)
 4 of Arista's infringing works that contain these protected elements.

5 Because the burden of finding each of these command expressions, command hierarchies,
 6 and command modes and prompts in the copyrighted works and the infringing works is the same
 7 for Arista as it is for Cisco, pursuant to Fed. R. Civ. P. 33(d), Cisco identifies the following
 8 documents as containing responsive information:

9 IOS v. 11.0: Source Code, CSI-CLI-00403865.

10 IOS v. 11.1: Source Code, CSI-CLI-00403866.

11 IOS v. 11.2: Source Code, CSI-CLI-00403867.

12 IOS v. 11.3: Source Code, CSI-CLI-00403868.

13 IOS v. 12.0: Source Code, CSI-CLI-00403869.

14 IOS v. 12.1: Source Code, CSI-CLI-00403870.

15 IOS v. 12.2: Source Code, CSI-CLI-00403871.

16 IOS v. 12.3: Source Code, CSI-CLI-00403872, CSI-CLI-00403874.

17 IOS v. 12.4: Source Code, CSI-CLI-00403873.

18 IOS v. 15.0: Source Code, CSI-CLI-00054598 – CSI-CLI-00074027, CSI-CLI-00216957 –
 19 CSI-CLI-00217612, CSI-CLI-00223197 – CSI-CLI-00224078, CSI-CLI-00226300 – CSI-CLI-
 20 00226709, CSI-CLI-00267773 – CSI-CLI-00268938, CSI-CLI-00271385 – CSI-CLI-00271914,
 21 CSI-CLI-00274107 – CSI-CLI-00274387, CSI-CLI-00275376 – CSI-CLI-00276837, CSI-CLI-
 22 00314732 – CSI-CLI-00314943, CSI-CLI-00316210 – CSI-CLI-00317412, CSI-CLI-00317634 –
 23 CSI-CLI-00317847, CSI-CLI-00318351 – CSI-CLI-00318532, CSI-CLI-00319252 – CSI-CLI-
 24 00321189, CSI-CLI-00324036 – CSI-CLI-00324389, CSI-CLI-00325497 – CSI-CLI-00325713,
 25 CSI-CLI-00332893 – CSI-CLI-00345450, CSI-CLI-00348572 – CSI-CLI-00348689, CSI-CLI-
 26 00350066 – CSI-CLI-00351948.

27 IOS v. 15.1: Source Code, CSI-CLI-00034689 – CSI-CLI-00054565, CSI-CLI-00223197 –
 28 CSI-CLI-00224078, CSI-CLI-00226300 – CSI-CLI-00226414, CSI-CLI-00226710 – CSI-CLI-

1 00227953, CSI-CLI-00267773 – CSI-CLI-00268938, CSI-CLI-00314422 – CSI-CLI-00314731,
 2 CSI-CLI-00314944 – CSI-CLI-00316209, CSI-CLI-00317413 – CSI-CLI-00317633, CSI-CLI-
 3 00317848 – CSI-CLI-00318350, CSI-CLI-00318533 – CSI-CLI-00319251, CSI-CLI-00319765 –
 4 CSI-CLI-00325376, CSI-CLI-00325497 – CSI-CLI-00325713, CSI-CLI-00333135 – CSI-CLI-
 5 00333809, CSI-CLI-00337967 – CSI-CLI-00338200, CSI-CLI-00338481 – CSI-CLI-00338696,
 6 CSI-CLI-00338941 – CSI-CLI-00339290, CSI-CLI-00345451 – CSI-CLI-00354832.

7 IOS v. 15.2: Source Code, CSI-CLI-00024968 – CSI-CLI-00034688, CSI-CLI-00074028 –
 8 CSI-CLI-00074113, CSI-CLI-00091773 – CSI-CLI-00091888, CSI-CLI-00098678 – CSI-CLI-
 9 00099910, CSI-CLI-00101493 – CSI-CLI-00101653, CSI-CLI-00102320 – CSI-CLI-00102428,
 10 CSI-CLI-00102615 – CSI-CLI-00102827, CSI-CLI-00104206 – CSI-CLI-00104306, CSI-CLI-
 11 00105599 – CSI-CLI-00105706, CSI-CLI-00106165 – CSI-CLI-00106403, CSI-CLI-00107100 –
 12 CSI-CLI-00107198, CSI-CLI-00108121 – CSI-CLI-00110637, CSI-CLI-00142102 – CSI-CLI-
 13 142151, CSI-CLI-00145892 – CSI-CLI-00145912, CSI-CLI-00146305 – CSI-CLI-00146361,
 14 CSI-CLI-00146494 – CSI-CLI-00146672, CSI-CLI-00150117 – CSI-CLI-00150301, CSI-CLI-
 15 00151700 – CSI-CLI-00151794, CSI-CLI-00153045 – CSI-CLI-00154056, CSI-CLI-00154957 –
 16 CSI-CLI-00154967, CSI-CLI-00161254 – CSI-CLI-00161264, CSI-CLI-00162423 – CSI-CLI-
 17 00162433, CSI-CLI-00162764 – CSI-CLI-00163054, CSI-CLI-00163297 – CSI-CLI-00163575,
 18 CSI-CLI-00163892 – CSI-CLI-00163997, CSI-CLI-00167730 – CSI-CLI-00168576, CSI-CLI-
 19 00168785 – CSI-CLI-00170897, CSI-CLI-00171210 – CSI-CLI-00171263, CSI-CLI-00173118 –
 20 CSI-CLI-00173146, CSI-CLI-00227954 – CSI-CLI-00228224, CSI-CLI-00236536 – CSI-CLI-
 21 00237167, CSI-CLI-00237495 – CSI-CLI-00239781, CSI-CLI-00241096 – CSI-CLI-00248137,
 22 CSI-CLI-00276838 – CSI-CLI-00288213, CSI-CLI-00288322 – CSI-CLI-00289855, CSI-CLI-
 23 00292982 – CSI-CLI-00294561.

24 IOS v. 15.4: Source Code, CSI-CLI-00074114 – CSI-CLI-00091772, CSI-CLI-00091889 –
 25 CSI-CLI-00098677, CSI-CLI-00217613 – CSI-CLI-00223196 – CSI-CLI-00224078, CSI-CLI-
 26 00224079 – CSI-CLI-00226299, CSI-CLI-00276838 – CSI-CLI-00277169, CSI-CLI-00289856 –
 27 CSI-CLI-00310345, CSI-CLI-00325714 – CSI-CLI-00332892.

28 IOS XR v. 3.0: Source Code, CSI-CLI-00359263 – CSI-CLI-00362850.

1 IOS XR v. 3.2: Source Code, CSI-CLI-00362851 – CSI-CLI-00370474.

2 IOS XR v. 3.3: Source Code, CSI-CLI-00370475 – CSI-CLI-00380671.

3 IOS XR v. 3.4: Source Code, CSI-CLI-00380672 – CSI-CLI-00389727.

4 IOS XR v. 3.5: Source Code, CSI-CLI-00389728 – CSI-CLI-00403864.

5 IOS XR v. 4.3: Source Code, CSI-CLI-00099911 – CSI-CLI-00101492, CSI-CLI-
 6 00101654 – CSI-CLI-00102319, CSI-CLI-00102429 – CSI-CLI-00102614, CSI-CLI-00102828 –
 7 CSI-CLI-00104205, CSI-CLI-00104307 – CSI-CLI-00105598, CSI-CLI-00105707 – CSI-CLI-
 8 00106164, CSI-CLI-00106404 – CSI-CLI-00107099, CSI-CLI-00107199 – CSI-CLI-00108120,
 9 CSI-CLI-00102732 – CSI-CLI-00127155, CSI-CLI-00137956 – CSI-CLI-00142101, CSI-CLI-
 10 00142214 – CSI-CLI-00142101 – CSI-CLI-00143091, CSI-CLI-00143160 – CSI-CLI-00145891,
 11 CSI-CLI-00145913 – CSI-CLI-00146304, CSI-CLI-00146362 – CSI-CLI-00146493, CSI-CLI-
 12 00146673 – CSI-CLI-00150166, CSI-CLI-00150302 – CSI-CLI-00151699, CSI-CLI-00151795 –
 13 CSI-CLI-00153044, CSI-CLI-00154057 – CSI-CLI-00154956, CSI-CLI-00154968 – CSI-CLI-
 14 00161253, CSI-CLI-00161265 – CSI-CLI-00162422, CSI-CLI-00162434 – CSI-CLI-00162763,
 15 CSI-CLI-00163998 – CSI-CLI-00167729, CSI-CLI-00168577 – CSI-CLI-00168784, CSI-CLI-
 16 00170898 – CSI-CLI-00171209, CSI-CLI-00171264 – CSI-CLI-00173117, CSI-CLI-00173147 –
 17 CSI-CLI-00173412.

18 IOS XR v. 5.2: Source Code, CSI-CLI-00110638 – CSI-CLI-00123731, CSI-CLI-
 19 00127156 – CSI-CLI-00137955, CSI-CLI-00142152 – CSI-CLI-00142213, CSI-CLI-00143092 –
 20 CSI-CLI-00143159, CSI-CLI-00163055 – CSI-CLI-00163296, CSI-CLI-00163576 – CSI-CLI-
 21 00163891, CSI-CLI-00189310 – CSI-CLI-00191711.

22 IOS XE v. 2.1: Source Code, CSI-CLI-00229755 – CSI-CLI-00236535, CSI-CLI-
 23 00268939 – CSI-CLI-00271384, CSI-CLI-00271915 – CSI-CLI-00274106, CSI-CLI-00274388 –
 24 CSI-CLI-00276837, CSI-CLI-00313895 – CSI-CLI-00314421, CSI-CLI-00325377 – CSI-CLI-
 25 00325496.

26 IOS XE v. 3.5: Source Code, CSI-CLI-00180764 – CSI-CLI-00189309, CSI-CLI-
 27 00228225 – CSI-CLI-00229754, CSI-CLI-00236536 – CSI-CLI-00236768, CSI-CLI-00237168 –
 28 CSI-CLI-00237494, CSI-CLI-00237785 – CSI-CLI-00237793, CSI-CLI-00239782 – CSI-CLI-

1 00241095, CSI-CLI-00248138 – CSI-CLI-00267772, CSI-CLI-00277170 – CSI-CLI-00277359,
 2 CSI-CLI-00288214 – CSI-CLI-00288321, CSI-CLI-00288673 – CSI-CLI-00289121, CSI-CLI-
 3 00310346 – CSI-CLI-00313894.

4 NX-OS v. 4.0: Source Code, CSI-CLI-00054566 – CSI-CLI-00054597, CSI-CLI-
 5 00191712 – CSI-CLI-00192226, CSI-CLI-00202929 – CSI-CLI-00207082.

6 NX-OS v. 5.0: Source Code, CSI-CLI-00173413 – CSI-CLI-00176459, CSI-CLI-
 7 00196923 – CSI-CLI-00197194, CSI-CLI-00197411 – CSI-CLI-00197600, CSI-CLI-00199585 –
 8 CSI-CLI-00200362, CSI-CLI-00201361 – CSI-CLI-00201380, CSI-CLI-00201823 – CSI-CLI-
 9 00201848, CSI-CLI-00207083 – CSI-CLI-00212262, CSI-CLI-00216926 – CSI-CLI-00216955.

10 NX-OS v. 5.2: Source Code, CSI-CLI-00176460 – CSI-CLI-00178217, CSI-CLI-
 11 00196489 – CSI-CLI-00196922, CSI-CLI-00197195 – CSI-CLI-00197410, CSI-CLI-00197601 –
 12 CSI-CLI-00199584, CSI-CLI-00200363 – CSI-CLI-00201360, CSI-CLI-00201381 – CSI-CLI-
 13 00201822, CSI-CLI-00201849 – CSI-CLI-00202928.

14 NX-OS v. 6.2: Source Code, CSI-CLI-00178218 – CSI-CLI-00180763, CSI-CLI-
 15 00192227 – CSI-CLI-00196488, CSI-CLI-00212263 – CSI-CLI-00216925.

16 EOS 4.0.1: Source Code, CSI-CLI-00007244 – CSI-CLI-00007472.

17 EOS 4.6.2: Source Code, CSI-CLI-00006858 – CSI-CLI-00007243.

18 EOS 4.10.0: Source Code, CSI-CLI-00007841 – CSI-CLI-00008984.

19 EOS 4.11.1.2: Source Code, CSI-CLI-00010517 – CSI-CLI-00011972.

20 EOS 4.12.4: Source Code, CSI-CLI-00014141 – CSI-CLI-00016000.

21 EOS 4.13.6F: Source Code, CSI-CLI-00016001 – CSI-CLI-00018140.

22 EOS 4.13.7M: Source Code, CSI-CLI-00011973 – CSI-CLI-00014140.

23 EOS 4.14.3F: Source Code, CSI-CLI-00018146 – CSI-CLI-00020377.

24 EOS 4.14.5F: Source Code, CSI-CLI-00000084 – CSI-CLI-00002331.

25 EOS 4.14.6M: Source Code, CSI-CLI-00004616 – CSI-CLI-00006857.

26 EOS 4.15.0F: Source Code, CSI-CLI-00002332 – CSI-CLI-00004615.

27 Cisco's discovery efforts in this case are ongoing, and Cisco reserves the right to further
 28 supplement this response in light of facts learned during discovery, including information

1 regarding Arista's accused products (including source code and other non-public materials) and
2 expert discovery.

3
4 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

5 Subject to and without waiver of its general and specific objections, Cisco further responds
6 as follows:

7 Arista has copied Cisco's copyrighted command hierarchy and the structure, sequence and
8 organization of Cisco's command expressions. Cisco's command expressions are organized
9 hierarchically such that certain groups and sub-groups of command expressions can be identified.
10 For example, paragraph 52 of Cisco's Second Amended Complaint for Copyright and Patent
11 Infringement (Dkt. 64) identify various command hierarchies (e.g., "aaa" command hierarchy,
12 "bgp" command hierarchy, "clear" command hierarchy, "dot1x" command hierarchy, "ip"
13 command hierarchy, "ipv6" command hierarchy, "neighbor" command hierarchy, "show"
14 command hierarchy, "snmp-server" command hierarchy, "spanning-tree" command hierarchy,
15 "vrrp" command hierarchy, and other command expressions and hierarchies). Within a given
16 command hierarchy, all of the commands start with the same word; for example, all of the
17 commands within the "aaa" command hierarchy start with "aaa." The Second Amended
18 Complaint further identifies sub-hierarchies within a command hierarchy (e.g., "ip dhcp" sub-
19 hierarchy, "ip igmp" sub-hierarchy, "ip msdp" sub-hierarchy, "ip ospf" sub-hierarchy, "ip pim"
20 sub-hierarchy, "ipv6 nd" sub-hierarchy, "ipv6 ospf" sub-hierarchy, "show interfaces" sub-
21 hierarchy, "show ipv6" sub-hierarchy). Within a given command sub-hierarchy, all of the
22 commands start with the same two words; for example, all of the commands within the "ip dhcp"
23 sub-hierarchy start with "ip dhcp." There can be further sub-hierarchies within a given sub-
24 hierarchy. One way to demonstrate the hierarchy and organization of Cisco's command
25 expressions visually is through the use of a tree structure. An example tree structure of a portion
26 of the "ip" command hierarchy is provided in Exhibit D. Arista's copied commands are organized
27 into the same hierarchies and sub-hierarchies and have the same tree structure.

1 Arista also has copied Cisco's command responses and their organization. Cisco's
2 command responses constitute original, creative contributions to Cisco's copyrighted works.
3 Attached as Exhibit E is a listing of some command responses from Cisco's copyrighted works
4 that were copied by Arista, as well as the version(s) of Arista's infringing works that contain these
5 protected elements. In addition, Arista has copied the non-literal elements of Cisco's command
6 responses, including their structure, sequence and organization as also shown in Exhibit E. The
7 command responses identified in Exhibit E are exemplary only, as Cisco's investigation is
8 ongoing.

9 Cisco's discovery efforts in this case are ongoing, and Cisco reserves the right to further
10 supplement this response in light of facts learned during discovery, including information
11 regarding Arista's accused products (including screenshots, source code and other non-public
12 materials) and expert discovery.

13
14 **THIRD SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

15 Subject to and without waiver of its general and specific objections, Cisco further responds
16 as follows:

17 Exhibit C to Cisco's Second Supplemental Response to Interrogatory No. 2 identifies
18 certain command modes and associated prompts that were created by Cisco and copied by Arista.
19 Arista's copying of command modes and prompts extends to interface-, feature-, protocol- and
20 other more specific command modes and submodes, with associated prompts. Cisco's discovery
21 regarding those modes and submodes is ongoing, and Cisco reserves the right to supplement its
22 response in light of information learned subsequently from Arista's source code and/or operable
23 Arista devices, which Cisco requested on September 18, 2015 but Arista has not yet produced.

24 Attached hereto as Amended Exhibit D1-D26 are command hierarchies containing Cisco's
25 copyrighted command expressions that have been copied in whole or in part by Arista. These
26 hierarchies are contained in Cisco's and Arista's respective product documentation and source
27 code. The hierarchies contained in Amended Exhibit D1-D26 identify multi-word command
28 expressions that Arista has copied. To the extent that Arista has utilized other command

1 expressions that fit within the identified hierarchies, copying of such expressions further
2 demonstrates copying of command hierarchies. In addition, Arista's location of individual
3 command expressions within the same modes as those commands are located in Cisco's operating
4 systems (*e.g.*, the "enable" EXEC command in EOS and IOS) is further evidence of Arista's
5 copying of Cisco's command hierarchies. Cisco's discovery regarding these command hierarchies
6 is ongoing, and Cisco reserves the right to supplement its response in light of information learned
7 subsequently from Arista's source code and/or operable Arista devices, which Cisco requested on
8 September 18, 2015 but Arista has not yet produced.

9 Exhibit E to Cisco's Second Supplemental Response to Arista's Interrogatory No. 2
10 included examples of Arista's copying of certain command outputs from Cisco's copyrighted
11 works. Cisco's discovery regarding these command outputs is ongoing, and Cisco reserves the
12 right to supplement its response in light of information learned subsequently from Arista's source
13 code and/or operable Arista devices, which Cisco has requested but Arista has not yet produced.

14 Cisco's discovery efforts in this case are ongoing, and Cisco reserves the right to further
15 supplement this response in light of facts learned during discovery, including information
16 regarding Arista's accused products (including source code and other non-public materials, as well
17 as operable Arista devices) and expert discovery, or any other reason for which supplementation is
18 permissible under the Federal Rules of Civil Procedure.

19
20 **FOURTH SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

21 Subject to and without waiver of its general and specific objections, Cisco further responds
22 as follows:

23 In addition to the command outputs previously identified in Exhibit E to Cisco's response
24 to this interrogatory, Arista has copied the interactive "help" screens from Cisco's copyrighted
25 works. For example, in response to the "help" command, both Cisco's and Arista's operating
26 systems display the following text, which was originally created by Cisco in version 9.21 of IOS:
27
28

1 Help may be requested at any point in a command by entering
 2 a question mark '?'. If nothing matches, the help list will
 be empty and you must back up until entering a '?' shows the
 available options.

3 Two styles of help are provided:

- 4 1. Full help is available when you are ready to enter a
 command argument (e.g. 'show ?') and describes each possible
 argument.
- 5 2. Partial help is provided when an abbreviated argument is entered
 and you want to know what arguments match the input
 (e.g. 'show pr?'.)

7 Arista's copying of the help screen displays extends to the description of various command
 8 expressions. In both Cisco's CLI and Arista's CLI, users can type "?" to generate context-
 9 sensitive help, including a list of available commands and descriptions thereof. Arista has copied
 10 numerous examples of Cisco's original command expression descriptions (e.g., explaining that the
 11 "enable" command will "Turn on privileged commands"). Cisco's discovery regarding these
 12 screen displays is ongoing, and Cisco reserves the right to supplement its response in light of
 13 information learned subsequently from Arista's source code and/or operable Arista devices, which
 14 Cisco has requested but Arista has not yet produced.

16 **FIFTH SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

17 Subject to and without waiver of its general and specific objections, Cisco further responds
 18 as follows:

19 The evidence of Arista's copyright infringement is pervasive. Arista's CEO has admitted
 20 and apologized for copying. CSI-CLI-00357842 at CSI-CLI-00357849. Arista's CTO has
 21 admitted (unapologetically) to copying Cisco "slavishly." Packet Pushers Clip (Audio File) (Duda
 22 Exh. 274). And numerous other Arista employees (including executives) have admitted that
 23 Arista intentionally copied Cisco. E.g., ARISTANDCA11406349, ARISTANDCA10499890,
 24 ARISTANDCA10499890; ARISTANDCA10499890; *see also* additional documents listed below.
 25 In sum, the evidence of admitted copyright infringement by Arista is overwhelming. And,
 26 contrary to Arista's claim, Arista is not an "American success story." Arista created and then built
 27 its business around a corporate culture of copying others. And that corporate culture of copying
 28 was created and fostered by the highest ranking Arista executives and then executed by its

1 employees.

2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]

27 Cisco identifies at least the following documents and testimony as containing responsive
28 information:

- CSI-CLEO3838924
- CSI-CLI-00226710
- CSI-CLI-00358622
- CSI-CLI-00408381
- CSI-CLI-00248571
- CSI-CLI-00178252
- CSI-CLI-00357842
- ARISTANDCA1195413
- ANI-ITC-944_94 0962624
- CSI-ANI-00381280
- CSI-CLEO3838924
- CSI-CLI-00007473
- CSI-CLI-00007244
- CSI-CLI-00006858
- CSI-CLI-00007841
- CSI-CLI-00010517
- CSI-CLI-00008985
- CSI-CLI-00014141
- CSI-CLI-00011973
- CSI-CLI-00018146
- CSI-CLI-00000084
- CSI-CLI-00004616
- CSI-CLI-00020575
- CSI-CLI-00002332
- CSI-CLI-00016001
- ARISTANDCA1199299
- ANI-ITC-944_945-3473603
- CSI-CLI-00016001
- CSI-CLI00608716
- ANI-ITC-944_945-0962624
- ARISTANDCA 10491957
- ARISTANDCA_SW_105998
- ARISTANDCA_SW_105998,
- ARISTANDCA SW_10599845.
- ANI-ITC-944_945-0152061
- ARISTANDCA1199691
- ARISTANDCA12426192.
- ARISTANDCA11417372.
- CSI-ANI-00356028
- CSI-ANI-00381280
- ARISTANDCA1195413.
- ANI-ITC-944_945-1365341
- ARISTANDCA11406349.
- ANI-ITC-944_945-3451012.

- 1 • ARISTANDCA1206055.
- 2 • ANI-ITC-944_945-3937682
- 3 • ARISTANDCA11411864
- 4 • ARISTANDCA1141720.
- 5 • ANI-ITC-944_945-3453648.
- 6 • ARISTANDCA 12060827.
- 7 • ARISTANDCA119969.
- 8 • ARISTANDCA10499890
- 9 • ARISTANDCA10499890;
- 10 • ARISTANDCA10499891
- 11 • ANI-ITC-944_945-3927203
- 12 • ARISTANDCA10526625.
- 13 • ARISTANDCA10525014.
- 14 • ARISTANDCA1199299.
- 15 • ANI-ITC-944_945-3473603.
- 16 • ARISTANDCA 10508650.
- 17 • ARISTANDCA 10537469
- 18 • ARISTANDCA1206372.
- 19 • ARISTANDCA104437.
- 20 • ARISTANDCA11996066.
- 21 • ARISTANDCA10446381.
- 22 • ARISTANDCA1194925.
- 23 • ANI-ITC-944_945-349442
- 24 • ARISTANDCA1200259
- 25 • ARISTANDCA1059782
- 26 • ARISTANDCA119495
- 27 • ANI-ITC-944_945-0006860.
- 28 • ARISTANDCA 10384101.
- ANI-ITC-944_945-0009544.
- ANI-ITC-944 945-1688838.
- ARISTANDCA1266331
- ARISTANDCA_SW_105998
- ANI-ITC-944_945-3452525.
- ANI-ITC-944_945-3452525
- CSI-CLI-00540078
- CSI-CLI-00357842
- ARISTANDCA 10430978.
- ARISTANDCA11406349.
- ARISTANDCA12244290.
- ARISTANDCA1224429
- ANI-ITC-944_945-3937682.
- ARISTANDCA1195413.
- CSI-CLI-00540078
- ARISTANDCA12244293
- CSI-ANI-00356028

- 1 • CSI-CLI-00356391 - CSI-CLI-00356394
- 2 • CSI-CLI-00356385 - CSI-CLI-00356388
- 3 • CSI-CLI-00356500 - CSI-CLI-00356501
- 4 • CSI-CLI-00356578 - CSI-CLI-00356581
- 5 • CSI-CLI-00356538 - CSI-CLI-00356541
- 6 • CSI-CLI-00356582 - CSI-CLI-00356587
- 7 • CSI-CLI-00356520 - CSI-CLI-00356523
- 8 • CSI-CLI-00356550 - CSI-CLI-00356555
- 9 • CSI-CLI-00356512 - CSI-CLI-00356515
- 10 • CSI-CLI-00356490 - CSI-CLI-00356495
- 11 • CSI-CLI-00356508 - CSI-CLI-00356511
- 12 • CSI-CLI-00356556 - CSI-CLI-00356561
- 13 • CSI-CLI-00356524 - CSI-CLI-00356527
- 14 • CSI-CLI-00356486 - CSI-CLI-00356489
- 15 • CSI-CLI-00356480 - CSI-CLI-00356483
- 16 • CSI-CLI-00356502 - CSI-CLI-00356505
- 17 • CSI-CLI-00356528 - CSI-CLI-00356531
- 18 • CSI-CLI-00356657 - CSI-CLI-00356660
- 19 • CSI-CLI-00356665 - CSI-CLI-00356668
- 20 • CSI-CLI-00356661 - CSI-CLI-00356664
- 21 • CSI-CLI-00356689 - CSI-CLI-00356692
- 22 • CSI-CLI-00356634 - CSI-CLI-00356637
- 23 • CSI-CLI-00356685 - CSI-CLI-00356688
- 24 • CSI-CLI-00356681 - CSI-CLI-00356684
- 25 • CSI-CLI-00356626 - CSI-CLI-00356629
- 26 • CSI-CLI-00356693 - CSI-CLI-00356696
- 27 • CSI-CLI-00356610 - CSI-CLI-00356613
- 28 • CSI-CLI-00356646 - CSI-CLI-00356648
- CSI-CLI-00356599 - CSI-CLI-00356601
- CSI-CLI-00356596 - CSI-CLI-00356598
- CSI-CLI-00356593 - CSI-CLI-00356595
- CSI-CLI-00356395 - CSI-CLI-00356398
- CSI-CLI-00356588 - CSI-CLI-00356591
- CSI-CLI-00356562 - CSI-CLI-00356563
- CSI-CLI-00356496 - CSI-CLI-00356499
- CSI-CLI-00356446 - CSI-CLI-00356549
- CSI-CLI-00356576 - CSI-CLI-00356577
- CSI-CLI-00356516 - CSI-CLI-00356519
- CSI-CLI-00356484 - CSI-CLI-00356485
- CSI-CLI-00356572 - CSI-CLI-00356575
- CSI-CLI-00356506 - CSI-CLI-00356507
- CSI-CLI-00356506 - CSI-CLI-00356508
- CSI-CLI-00356536 - CSI-CLI-00356537
- CSI-CLI-00356542 - CSI-CLI-00356545
- CSI-CLI-00356705 - CSI-CLI-00356705

- CSI-CLI-00356564 - CSI-CLI-00356567
- CSI-CLI-00356532 - CSI-CLI-00356535
- CSI-CLI-00356697 - CSI-CLI-00356700
- CSI-CLI-00356653 - CSI-CLI-00356656
- CSI-CLI-00356618 - CSI-CLI-00356621
- CSI-CLI-00356701 - CSI-CLI-00356704
- CSI-CLI-00356642 - CSI-CLI-00356645
- CSI-CLI-00356638 - CSI-CLI-00356641
- CSI-CLI-00356614 - CSI-CLI-00356617
- CSI-CLI-00356649 - CSI-CLI-00356652
- CSI-CLI-00356602 - CSI-CLI-00356605
- CSI-CLI-00356606 - CSI-CLI-00356609
- CSI-CLI-00356630 - CSI-CLI-00356633
- CSI-CLI-00356622 - CSI-CLI-00356625
- CSI-CLI-00356677 - CSI-CLI-00356680
- CSI-CLI-00356673 - CSI-CLI-00356676
- CSI-CLI-00356669 - CSI-CLI-00356672
- Packet Pushers Clip (Audio File) (Duda Exh. 274).
- Arista produced source code
- Cisco produced source code
- Cisco IOS 15.4, Cisco IOS SNMP Support Command Reference at 83 (2013).
- Arista User Manual v. 4.14.3F (Rev. 2) at 1967-68 (Oct. 2, 2014).
- Cisco IOS Configuration Fundamentals Command Reference at CF-522 (Apr. 2010);
- Arista 4.13.6F Manual at 380 (Apr. 2014).
- Deposition Testimony of Jayshree Ullal (Arista President & CEO) at 68:14-69:4, 208:7-210:16, 217:11-21, 223:12-19; 253:14-254:7, 276:10-277:16, 304:12-307:24; 253:14-254:7.
- Deposition Testimony of Kenneth Duda (Arista CTO & SVP of Software Engineering) at 58:8-59:24, 70:4-17, 73:23-75:16, 93:20-95:2, 195:18-197:8, 323:22-324:19, 326:6-329:11; 143:2-145:3, 145:4-151:9, 159:15-23, 176:16-177:17, 350:7-351:6, 150:16-151:9, 176:16-177:16, 145:4-155:20, 176:16-177:17, 350:7-351:25
- Deposition Testimony of Anshul Sadana (Arista SVP of Customer Engineering) at 93:20-103:4, 281:12-20, 108:17-109:4, 242:17-247:19, 267:2-271:24, 272:24-273:5; 51:14-18, 70:24-74:8, 230:24-25;
- Deposition Testimony of Adam Sweeney (Arista VP of Software Engineering) at 156:12-19 (May 13, 2016)
- Deposition Testimony of Adam Sweeney (Arista VP of Software Engineering) at 159:9-160:9, 161:8-16, 161:25-162:7, 163:12-164:2, 165:1-6; 175:15-23, 217:12-218:8; 223:17-224; at 257:12-17; 452:13-20, 452:21-453:5 (Jan. 29, 2016).
- Deposition Testimony of Lincoln Dale (Arista Distinguished Engineer) at 272:20-274:24, 215:23-216:7, 216:14-217:4, 222:4-13; 231:5-17, 186:14-187:7, 193:1-25, 194:14-195:2, 195:7-196:2, 267:13-268:5, 271:18-25, 272:11-19
- Deposition Testimony of Hugh Holbrook (Arista VP of Software Engineering) at 84:13-17, 147:25-148:13, 248:8-12; 224:7-19, 241:4-22, 243:6-244:17
- Deposition Testimony of Mark Foxx (Arista SVP of Global Operations & Marketing) at 100:10-12, 100:23-101:2, 112:11-13

- Deposition Testimony of Mark Berly at 140:25-141
- Deposition Testimony of Lorenz Redlefsen Tr. at 40:1-9
- Deposition Testimony of Hafeez Deposition Tr. at 79:23-80:7, 67:8-11, 78:20-25
- Deposition Testimony of Kirk Lougheed Tr. at 338:24-339:9, 331:6-23, 337:17-20 (Apr. 4, 2016).
- Deposition Testimony of Kirk Lougheed Tr. at 128:10-129:19, 145:3-25, 168:21-169:16, 174:5-175:4, 185:13-186:5, 128:10-129:19 (Nov. 20, 2015).
- Deposition Testimony of Abhay Roy at 24:12-25; 26:2-9; 45:6-20; 47:8-18.
- Deposition Testimony of Devadas Patil at 161:19-162:1, 186:7-11, 187:1-9 (Feb. 21, 2016).
- Deposition Testimony of Phillip Remaker at 98:22-99:12, 106:25-107:5, 107:7-12 (Mar. 30, 2016).
- Deposition Testimony of Phillip Remaker at 114:2-15 (Mar. 31, 2016).
- Deposition Testimony of HP Corporate Representative Tr. at 110:24-112:7 (May 2, 2016).
- Deposition Testimony of Adam Sweeney at 416:12-15, 452:3-12.
- Deposition Testimony of Anshul Sadana Deposition, Exhibit 382
- http://www.cisco.com/c/en/us/products/collateral/ios-nx-os-software/nx-os-software/data_sheet_c78-652063.pdf
- <https://www.arista.com/en/products/eos>
- Arista, *EOS Bites & Bytes - Episode 1 - Lessons Learned While Building a Network OS on Top of Linux*, Arista EOS Central - Video Library (Jan. 30, 2014), at 6:55–7:56, available at <http://eos.arista.com/wpcontent/themes/aristaeos/video-lightbox.php?vid=ttp6lavHKGo>.
- Cisco's Responses, supplements, and exhibits to Interrogatory Nos. 16, 19, and 21
- Arista, *EOS: An Extensible Operating System*.
- See, e.g., Business Insider, "Cisco Just Fired Another Shot At Its Hated Rival, An Upstart Formed by Ex-Cisco Employees," Dec. 19, 2014, available at <http://www.businessinsider.com/cisco-justfired-another-shot-at-arista-2014-12>;
- New York Times, "Arista's Chief Executive Counters Cisco Lawsuit," Dec. 10, 2014, available at http://bits.blogs.nytimes.com/2014/12/10/aristas-chiefexecutive-counters-cisco-lawsuit/?_r=0.
- QuestNET Conference July 2013, slide 38.
- Arista's responses (including all supplements thereto) to Cisco's Interrogatory No. 10.

Cisco further identifies the deposition testimony of Adam Sweeney on January 29, 2016, May 12, 2016, May 13, 2016, and his remaining deposition testimony yet to be taken, in his personal capacity and as a designee under Rule 30(b)(6) in its entirety and all exhibits thereto, and the source code produced by Arista in this Litigation, including but not limited to ARISTA_SRC000001 through ARISTA_SRC000884, as evidence Arista has infringed Arista has infringed its copyrighted works. Cisco further identifies ARISTANDCA13171542-ARISTANDCA13171545. Cisco also identifies the Arista switches that Arista has made available

1 for inspection as evidence it may rely on to show infringement. Cisco may, in its expert report(s)
2 and at trial, demonstrate Arista's infringement using virtual or operating Arista switches, or
3 demonstratives showing the same.

4 Cisco's investigation of the subject matter of this interrogatory is ongoing. Cisco therefore
5 reserves the right to supplement this response as additional information becomes available,
6 including information that may be the subject of expert testimony and expert discovery.
7

8
9 **INTERROGATORY NO. 2:**

10 State in detail Cisco's factual bases for its claim that any copyright infringement by Arista
11 (or for which Cisco claims Arista is liable) was willful.
12

13 **RESPONSE TO INTERROGATORY NO. 2:**

14 Cisco incorporates by reference its General Objections as though fully set forth herein.
15 Cisco further objects to this interrogatory as irrelevant and not calculated to lead to the discovery
16 of admissible evidence to the extent it calls for information not pertaining to the acts at issue in
17 this suit. Cisco further objects to this interrogatory to the extent that it calls for information that is
18 publicly available or equally available to Arista, and therefore is of no greater burden for Arista to
19 obtain than for Cisco to obtain. Cisco also objects to this interrogatory as undefined, vague,
20 ambiguous, overbroad, and unduly burdensome in its use of the term "any copyright
21 infringement." Cisco further objects to this interrogatory as premature contention discovery,
22 especially in light of Arista's failure to produce information regarding its accused products. Cisco
23 further objects to this interrogatory to the extent it seeks information that is protected by the
24 attorney-client privilege, that constitutes attorney work-product, or that is protected by any other
25 applicable privilege, protection, or immunity, including without limitation in connection with the
26 common interest doctrine.

27 Subject to and without waiver of its general and specific objections, Cisco further responds
28 that its copyrighted works-in-suit are marked with copyright notices, yet were nonetheless copied

1 by Arista. Arista's employees had knowledge of Cisco's copyrights, given that many of those
 2 employees had formerly worked at Cisco and were aware of Cisco's copyrighted works. And
 3 Arista has been on notice of Cisco's copyright claims at least since the filing of Cisco's complaint,
 4 yet Arista has continued to sell infringing products and has released a new infringing product,
 5 EOS+.

6 Arista also has boasted of the savings in development costs it accrued by copying Cisco's
 7 copyrighted works: "Since I helped build the enterprise, I would never compete with Cisco
 8 directly in the enterprise in a conventional way. It makes no sense. It would take me 15 years and
 9 15,000 engineers, and that's not a recipe for success." *See, e.g.*, Adam Lashinsky, "An Ex-Cisco
 10 Exec Reflects," *Fortune* (Mar. 20, 2014), *available at* [http://fortune.com/2014/03/20/an-ex-cisco-](http://fortune.com/2014/03/20/an-ex-cisco-exec-reflects/)
 11 [exec-reflects/](http://fortune.com/2014/03/20/an-ex-cisco-exec-reflects/).

12 Arista also has explained that its use of Cisco's copyrighted CLI was an intentional ploy to
 13 win customers from Cisco, as Arista can market its products as an easily implemented alternative
 14 to Cisco products for Cisco's existing customers:

- 15 • "[A] Cisco CCIE expert would be able to use Arista right away, because we have a
 16 similar command-line interface and operational look and feel. Where we don't
 17 have to invent, we don't." John Gallant, "How Arista Networks Got Out In Front
 18 of the SDN Craze," *Network World* (Feb. 22, 2013).
- 19 • Arista has learned to "[p]rovide familiar interfaces to ease adoption" including a
 20 "standard CLI that ... retains familiar management commands" so much so that
 21 "80% [of Arista customers] tell us they appreciate the way they can leverage their
 22 deep [Cisco] IOS experience, as they can easily upgrade an aging [Cisco] Catalyst
 23 infrastructure to Arista." Posting of Kenneth Duda to Arista EOS Central, "Linux
 24 as a Switch Operating System: Five Lessons Learned" (Nov. 5, 2013), *available at*
 25 <https://eos.arista.com/linux-as-a-switch-operating-system-five-lessons-learned/>.
- 26 • "Familiar management interfaces, standard CLI ... It's been very helpful for our
 27 customers to be able to rapidly adopt our products and integrate them into their
 28 environments ... that our switches provide a familiar management interface so their

existing tools and processes, screen scraping, automation, continue to work just as they did before.” Arista, *EOS Bites & Bytes - Episode 1 - Lessons Learned While Building a Network OS on Top of Linux*, Arista EOS Central - Video Library (Jan. 30, 2014), at 6:55–7:56, available at <http://eos.arista.com/wp-content/themes/aristaeos/video-lightbox.php?vid=ttp6lavHKGo>.

- “The familiar EOS command-line interface (CLI) avoids retraining costs.” Arista, *EOS: An Extensible Operating System*.

The extent of Arista’s copying further demonstrates its willfulness. As detailed in Cisco’s operative complaint at paragraph 53 and Exhibit 1, which are incorporated by reference as if fully set forth herein, Arista copied more than 500 multi-word command expressions from Cisco’s copyrighted CLI. Moreover, Arista has admitted that it uses those expressions. *See Answer at ¶ 53.*

Arista similarly has admitted in public statements that it copied the copyrighted documentation for Cisco’s IOS CLI. For example, Arista’s CEO admitted in public statements that Arista had wrongfully copied at least portions of Cisco’s copyrighted product documentation. *See, e.g.,* Business Insider, “Cisco Just Fired Another Shot At Its Hated Rival, An Upstart Formed by Ex-Cisco Employees,” Dec. 19, 2014, available at <http://www.businessinsider.com/cisco-just-fired-another-shot-at-arista-2014-12>; New York Times, “Arista’s Chief Executive Counters Cisco Lawsuit,” Dec. 10, 2014, available at http://bits.blogs.nytimes.com/2014/12/10/aristas-chief-executive-counters-cisco-lawsuit/?_r=0. Arista’s copying was so egregious that it even included grammatical errors from Cisco’s copyrighted documents. *See Exhibit 2 to Cisco’s operative complaint and Cisco’s response to interrogatory number 2*, both of which are incorporated herein by reference.

Cisco further responds, pursuant to Fed. R. Civ. P. 33(d), that Cisco will produce documents containing information responsive to this interrogatory, which information may be obtained from the documents by Arista as easily as by Cisco. Cisco’s discovery efforts in this case are ongoing, and Cisco reserves the right to further supplement this response in light of facts learned during discovery, including information regarding Arista’s accused products.

- Deposition Testimony of Phillip Remaker at 114:2-15 (Mar. 31, 2016).
- Deposition Testimony of HP Corporate Representative at 110:24-112:7 (May 2, 2016).
- Deposition Testimony of Adam Sweeney at 416:12-15, 452:3-12.
- Deposition Testimony of Anshul Sadana Deposition, Exhibit 382
- http://www.cisco.com/c/en/us/products/collateral/ios-nx-os-software/nx-os-software/data_sheet_c78-652063.pdf
- <https://www.arista.com/en/products/eos>
- Arista, *EOS Bites & Bytes - Episode 1 - Lessons Learned While Building a Network OS on Top of Linux*, Arista EOS Central - Video Library (Jan. 30, 2014), at 6:55–7:56, available at <http://eos.arista.com/wpcontent/themes/aristaeos/video-lightbox.php?vid=ttp6lavHKGo>.
- Cisco's Responses, supplements, and exhibits to Interrogatory Nos. 16, 19, and 21
- Arista, *EOS: An Extensible Operating System*.
- See, e.g., Business Insider, "Cisco Just Fired Another Shot At Its Hated Rival, An Upstart Formed by Ex-Cisco Employees," Dec. 19, 2014, available at <http://www.businessinsider.com/cisco-justfied-another-shot-at-arista-2014-12>;
- New York Times, "Arista's Chief Executive Counters Cisco Lawsuit," Dec. 10, 2014, available at http://bits.blogs.nytimes.com/2014/12/10/aristas-chiefexecutive-counters-cisco-lawsuit/?_r=0.
- QuestNET Conference July 2013, slide 38.
- Arista's responses (including all supplements thereto) to Cisco's Interrogatory No. 10.

Cisco further identifies the deposition testimony of Adam Sweeney on January 29, 2016, May 12, 2016, May 13, 2016, and his remaining deposition testimony yet to be taken, in his personal capacity and as a designee under Rule 30(b)(6) in its entirety and all exhibits thereto, and the source code produced by Arista in this Litigation, including but not limited to ARISTA_SRC000001 through ARISTA_SRC000884, as evidence Arista has infringed Arista has infringed its copyrighted works. Cisco further identifies ARISTANDCA13171542-ARISTANDCA13171545. Cisco also identifies the Arista switches that Arista has made available for inspection as evidence it may rely on to show infringement. Cisco may, in its expert report(s) and at trial, demonstrate Arista's infringement using virtual or operating Arista switches, or demonstratives showing the same.

Cisco's investigation of the subject matter of this interrogatory is ongoing. Cisco therefore reserves the right to supplement this response as additional information becomes available, including information that may be the subject of expert testimony and expert discovery.

1 earliest operating system (product) that contained each command expression, and the date on
2 which each such operating system was first distributed. Pursuant to Fed. R. Civ. P. 33(d), Cisco
3 additionally refers Arista to the documents cited in its supplemental responses to Arista's
4 Interrogatory No. 16, including source code and documents identified by Bates number.

5 Cisco's discovery efforts in this case are ongoing, and Cisco reserves the right to further
6 supplement this response in light of facts learned during discovery, including information
7 regarding Arista's accused products and expert discovery.

8
9 **FOURTH SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:**

10 Subject to and without waiver of its general and specific objections, Cisco further responds
11 as follows:

12 Cisco incorporates by reference its responses (and all supplements and exhibits) to
13 Interrogatory Nos. 24 and 25.

14 Insofar as Arista is asking whether Cisco took its CLI commands from third parties—for
15 example, third parties using the same multi-word commands as those implemented by Cisco in
16 IOS—Cisco also incorporates by reference its responses to Interrogatory Nos. 8, 16, 19 and 22.
17 Cisco also incorporates by reference the deposition testimony of the following witnesses: Kirk
18 Loughheed; Abhay Roy; Adam Sweeney; Anthony Li; Devadas Patil; Greg Satz; Hugh Holbrook;
19 Phillip Remaker; Ramanathan Kavasseri; and Tong Liu.

20 Cisco's investigation of the subject matter of this interrogatory is ongoing. Cisco therefore
21 reserves the right to supplement this response as additional information becomes available,
22 including information that may be the subject of expert testimony and expert discovery.

23
24 **INTERROGATORY NO. 5:**

25 Identify with specificity each copyrighted work (by copyright and registration number) that
26 You contend Arista has unlawfully copied.

RESPONSE TO INTERROGATORY NO. 5:

Cisco incorporates by reference its General Objections as though fully set forth herein. Cisco further objects to this interrogatory on the grounds that it is needlessly duplicative of other interrogatories, including Interrogatory No. 2. Cisco also objects to this interrogatory as undefined, vague, ambiguous, overbroad, and unduly burdensome in its use of the terms “by copyright and registration number” and “unlawfully copied.” Cisco further objects to this interrogatory to the extent it seeks information that is protected by the attorney-client privilege, that constitutes attorney work-product, or that is protected by any other applicable privilege, protection, or immunity, including without limitation in connection with the common interest doctrine.

Subject to and without waiver of its general and specific objections, Cisco incorporates by reference, as if fully set forth herein, its operative complaint (and any subsequent amendments thereto) and all documents cited therein. Cisco further responds, pursuant to Fed. R. Civ. P. 33(d), that Cisco will produce documents containing information responsive to this interrogatory, which information may be obtained from the documents by Arista as easily as by Cisco. Cisco further responds that Arista has infringed at least Cisco’s copyrights in the following works:

<u>Copyrighted Work Infringed by Arista</u>	<u>Registration Number(s)</u>
Cisco IOS 11.0	TXu 1-036-057
Cisco IOS 11.1 (including supplement)	TX 5-531-435; TXu1-048-569
Cisco IOS 11.2	TXu1-036-063
Cisco IOS 11.3 (including supplement)	TXu1-036-062; TXu1-057-804
Cisco IOS 12.0 (including supplement)	TXu1-036-064; TXu1-057-805
Cisco IOS 12.1 (including supplement)	TXu1-036-066; TXu1-057-807
Cisco IOS 12.2 (including supplement)	TXu1-036-065; TXu1-057-806
Cisco IOS 12.3	TXu1-188-975
Cisco IOS 12.4	TXu1-259-162
Cisco IOS 15.0	TX 7-938-524
Cisco IOS 15.1	TX 7-938-525
Cisco IOS 15.2	TX 7-937-159
Cisco IOS 15.4	TX 7-938-341
Cisco IOS XR 3.0	TXu1-237-896
Cisco IOS XR 3.2	TXu1-270-592
Cisco IOS XR 3.3	TXu1-336-997
Cisco IOS XR 3.4	TXu1-344-750
Cisco IOS XR 3.5	TXu1-592-305

Copyrighted Work Infringed by Arista	Registration Number(s)
Cisco IOS XR 4.3	TX 7-933-364
Cisco IOS XR 5.2	TX 7-933-353
Cisco IOS XE 2.1	TX 7-937-240
Cisco IOS XE 3.5	TX 7-937-234
Cisco NX OS 4.0	TX 7-940-713
Cisco NX OS 5.0	TX 7-940-718
Cisco NX OS 5.2	TX 7-940-727
Cisco NX OS 6.2	TX 7-940-722

Cisco's discovery efforts in this case are ongoing, and Cisco reserves the right to further supplement this response in light of facts learned during discovery, including information regarding Arista's accused products.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:

Subject to and without waiver of its general and specific objections, Cisco further responds as follows:

Cisco identifies at least the following documents and testimony as containing responsive information: Deposition Testimony of Phillip Remaker, Tong Liu, Abhay Roy, Kenneth Duda, Philip Shafer, Anthony Li, Greg Satz, and Kirk Loughheed.

Cisco's investigation of the subject matter of this interrogatory is ongoing. Cisco therefore reserves the right to supplement this response as additional information becomes available, including information that may be the subject of expert testimony and expert discovery.

INTERROGATORY NO. 6:

Identify with specificity each Arista CLI Command that You contend infringes any copyrighted work identified in your response to Arista's Interrogatory No. 6, identify which work(s) it infringes, and explain in detail how each infringes.

RESPONSE TO INTERROGATORY NO. 6:

Cisco incorporates by reference its General Objections as though fully set forth herein. Cisco further objects to this interrogatory on the grounds that it is needlessly duplicative of other

1 interrogatories, including Interrogatory No. 2. Cisco also objects to this interrogatory as
2 undefined, vague, ambiguous, overbroad, and unduly burdensome in its use of the term “each
3 Arista CLI Command that You content infringes.” Cisco further objects to this interrogatory as
4 irrelevant and not calculated to lead to the discovery of admissible evidence to the extent it calls
5 for evidence pertaining to similarities between Cisco’s copyrighted works and specific Arista CLI
6 commands, as well as for information not related to the copyrighted works-in-suit. Cisco further
7 objects to the characterization in this interrogatory that any Cisco accuses specific Arista CLI
8 commands of infringement. Cisco further objects to this interrogatory to the extent that it calls for
9 information that is publicly available or equally available to Arista, and therefore is of no greater
10 burden for Arista to obtain than for Cisco to obtain. Cisco further objects to this interrogatory as
11 premature contention discovery, especially in light of Arista’s failure to produce information
12 regarding its accused products and sales thereof. Cisco further objects to this interrogatory to the
13 extent it seeks information that is protected by the attorney-client privilege, that constitutes
14 attorney work-product, or that is protected by any other applicable privilege, protection, or
15 immunity, including without limitation in connection with the common interest doctrine.

16 Subject to and without waiver of its general and specific objections, Cisco incorporates by
17 reference, as if fully set forth herein, its response to Interrogatory No. 2, including Exhibit 1 to
18 Cisco’s operative complaint, which is incorporated by reference therein. Cisco’s discovery efforts
19 in this case are ongoing, and Cisco reserves the right to further supplement this response in light of
20 facts learned during discovery, including information regarding Arista’s accused products.

21
22 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:**

23 Subject to and without waiver of its general and specific objections, Cisco further responds
24 as follows:

25 Cisco identifies at least the following documents and testimony as containing responsive
26 information: Deposition Testimony of Phillip Remaker, David Sollender, Adam Sweeney, Tong
27 Liu, Abhay Roy, Kenneth Duda, Philip Shafer, Anthony Li, Greg Satz, Hugh Holbrook, Lincoln
28 Dale, Jayshree Ullal, Anshul Sadana, and Kirk Loughheed.

Because the burden of locating the information sought by this interrogatory is the same for Arista as it is for Cisco, pursuant to Fed. R. Civ. P. 33(d), Cisco identifies and incorporates by reference herein the documents cited and referenced in Cisco's Responses to Interrogatory Nos. 2, 6, 16, 18 and 19, including Exhibits B and F, as well as the documents cited and referenced in Cisco's operative complaint and the exhibits thereto. Cisco additionally identifies the following previously-produced business records from which this information can be derived:

Registered Work	Registration No.	Related Documents
Cisco IOS 11.0	TXu 1-036-057	CSI-CLI-00356391 - CSI-CLI-00356394; CSI-CLI-00356395 - CSI-CLI-00356398; CSI-CLI-00403865; Source Code
Cisco IOS 11.1	TX 5-531-435; TXu1-048-569	CSI-CLI-00356385 - CSI-CLI-00356388; CSI-CLI-00356588 - CSI-CLI-00356591; CSI-CLI-00356500 - CSI-CLI-00356501; CSI-CLI-00356562 - CSI-CLI-00356563 CSI-CLI-00403866; Source Code
Cisco IOS 11.2	TXu1-036-063	CSI-CLI-00356578 - CSI-CLI-00356581; CSI-CLI-00356496 - CSI-CLI-00356499; CSI-CLI-00403867; Source Code
Cisco IOS 11.3	TXu1-036-062; TXu1-057-804	CSI-CLI-00356538 - CSI-CLI-00356541; CSI-CLI-00356446 - CSI-CLI-00356549; CSI-CLI-00356582 - CSI-CLI-00356587; CSI-CLI-00356576 - CSI-CLI-00356577; CSI-CLI-00403868; Source Code

Registered Work	Registration No.	Related Documents
Cisco IOS 12.0	TXu1-036-064; TXu1-057-805	CSI-CLI-00356520 - CSI-CLI-00356523; CSI-CLI-00356516 - CSI-CLI-00356519; CSI-CLI-00356550 - CSI-CLI-00356555; CSI-CLI-00356484 - CSI-CLI-00356485; CSI-CLI-00403869; Source Code
Cisco IOS 12.1	TXu1-036-066; TXu1-057-807	CSI-CLI-00356512 - CSI-CLI-00356515; CSI-CLI-00356572 - CSI-CLI-00356575; CSI-CLI-00356490 - CSI-CLI-00356495; CSI-CLI-00356506 - CSI-CLI-00356507; CSI-CLI-00403870; Source Code
Cisco IOS 12.2	TXu1-036-065; TXu1-057-806	CSI-CLI-00356508 - CSI-CLI-00356511; CSI-CLI-00356568 - CSI-CLI-00356571; CSI-CLI-00356556 - CSI-CLI-00356561; CSI-CLI-00356536 - CSI-CLI-00356537; CSI-CLI-00403871; Source Code
Cisco IOS 12.3	TXu1-188-975	CSI-CLI-00356524 - CSI-CLI-00356527; CSI-CLI-00356524 - CSI-CLI-00356527; CSI-CLI-00403872; CSI-CLI-00403874; Source Code
Cisco IOS 12.4	TXu1-259-162	CSI-CLI-00356486 - CSI-CLI-00356489; CSI-CLI-00356705 - CSI-CLI-00356708; CSI-CLI-00403873; Source Code
Cisco IOS 15.0	TX 7-938-524	CSI-CLI-00356480 - CSI-CLI-00356483; CSI-CLI-00356564 - CSI-CLI-00356567; CSI-CLI-00054598 - CSI-CLI-00351948; Source Code

Registered Work	Registration No.	Related Documents
Cisco IOS 15.1	TX 7-938-525	CSI-CLI-00356502 - CSI-CLI-00356505; CSI-CLI-00356532 - CSI-CLI-00356535; CSI-CLI-00034689 - CSI-CLI-00354832; Source Code
Cisco IOS 15.2	TX 7-937-159	CSI-CLI-00356528 - CSI-CLI-00356531; CSI-CLI-00356697 - CSI-CLI-00356700; CSI-CLI-00024968 - CSI-CLI-00294561; Source Code
Cisco IOS 15.4	TX 7-938-341	CSI-CLI-00356657 - CSI-CLI-00356660; CSI-CLI-00356653 - CSI-CLI-00356656; CSI-CLI-00074114 - CSI-CLI-00332892; Source Code
Cisco IOS XR 3.0	TXu1-237-896	CSI-CLI-00356665 - CSI-CLI-00356668; CSI-CLI-00356618 - CSI-CLI-00356621; CSI-CLI-00359263 - CSI-CLI-00362850; Source Code
Cisco IOS XR 3.2	TXu1-270-592	CSI-CLI-00356661 - CSI-CLI-00356664; CSI-CLI-00356701 - CSI-CLI-00356704; CSI-CLI-00362851 - CSI-CLI-00370474; Source Code
Cisco IOS XR 3.3	TXu1-336-997	CSI-CLI-00356689 - CSI-CLI-00356692; CSI-CLI-00356642 - CSI-CLI-00356645; CSI-CLI-00370475 - CSI-CLI-00380671; Source Code

Registered Work	Registration No.	Related Documents
Cisco IOS XR 3.4	TXu1-344-750	CSI-CLI-00356634 - CSI-CLI-00356637; CSI-CLI-00356638 - CSI-CLI-00356641; CSI-CLI-00380672 - CSI-CLI-00389726; Source Code
Cisco IOS XR 3.5	TXu1-592-305	CSI-CLI-00356685 - CSI-CLI-00356688; CSI-CLI-00356614 - CSI-CLI-00356617; CSI-CLI-00389728 - CSI-CLI-00403864; Source Code
Cisco IOS XR 4.3	TX 7-933-364	CSI-CLI-00356681 - CSI-CLI-00356684; CSI-CLI-00356649 - CSI-CLI-00356652; CSI-CLI-00099911 - CSI-CLI-00173412; Source Code
Cisco IOS XR 5.2	TX 7-933-353	CSI-CLI-00356626 - CSI-CLI-00356629; CSI-CLI-00356602 - CSI-CLI-00356605; CSI-CLI-00110638 - CSI-CLI-00191711; Source Code
Cisco IOS XE 2.1	TX 7-937-240	CSI-CLI-00356693 - CSI-CLI-00356696; CSI-CLI-00356606 - CSI-CLI-00356609; CSI-CLI-00229755 - CSI-CLI-00325496; Source Code
Cisco IOS XE 3.5	TX 7-937-234	CSI-CLI-00356610 - CSI-CLI-00356613; CSI-CLI-00356630 - CSI-CLI-00356633; CSI-CLI-00180764 - CSI-CLI-00313894; Source Code
Cisco NX-OS 4.0	TX 7-940-713	CSI-CLI-00356646 - CSI-CLI-00356648; CSI-CLI-00356622 - CSI-CLI-00356625; CSI-CLI-00054566 - CSI-CLI-00054597;

Registered Work	Registration No.	Related Documents
		CSI-CLI-00191712 - CSI-CLI-00207082; Source Code
Cisco NX-OS 5.0	TX 7-940-718	CSI-CLI-00356599 - CSI-CLI-00356601; CSI-CLI-00356677 - CSI-CLI-00356680; CSI-CLI-00173413 - CSI-CLI-00216955; Source Code
Cisco NS-OX 5.2	TX 7-940-727	CSI-CLI-00356596 - CSI-CLI-00356598; CSI-CLI-00356673 - CSI-CLI-00356676; CSI-CLI-00176460 - CSI-CLI-00202928; Source Code
Cisco NS-OX 6.2	TX 7-940-722	CSI-CLI-00356593 - CSI-CLI-00356595; CSI-CLI-00356669 - CSI-CLI-00356672; CSI-CLI-00178218 - CSI-CLI-00216925; Source Code

Cisco further identifies the deposition testimony of Adam Sweeney on January 29, 2016, May 12, 2016, May 13, 2016, and his remaining deposition testimony yet to be taken, in his personal capacity and as a designee under Rule 30(b)(6) in its entirety and all exhibits thereto, and the source code produced by Arista in this Litigation, including but not limited to ARISTA_SRC000001 through ARISTA_SRC000884, as evidence Arista has infringed its copyrighted works. Cisco further identifies ARISTANDCA13171542-ARISTANDCA13171545. Cisco also identifies the Arista switches that Arista has made available for inspection as evidence it may rely on to show infringement. Cisco may, in its expert report(s) and at trial, demonstrate Arista's infringement using virtual or operating Arista switches, or demonstratives showing the same.

1 Cisco's investigation of the subject matter of this interrogatory is ongoing. Cisco therefore
2 reserves the right to supplement this response as additional information becomes available,
3 including information that may be the subject of expert testimony and expert discovery.
4

5 **INTERROGATORY NO. 7:**

6 Identify with specificity any and all CLI Command(s) that were used by anyone other than
7 You before such CLI Command(s) were used by You, and identify who used those CLI
8 Command(s) before You used them.
9

10 **RESPONSE TO INTERROGATORY NO. 7:**

11 Cisco incorporates by reference its General Objections as though fully set forth herein.
12 Cisco further objects to this interrogatory as irrelevant and not calculated to lead to the discovery
13 of admissible evidence to the extent it (1) seeks information not relevant to the copyrightability of
14 Cisco's works-in-suit and (2) seeks information regarding acts not at issue in this suit. Cisco
15 further objects to the characterization in this interrogatory that any Cisco CLI command was "used
16 by anyone other than [Cisco] before such CLI Command(s) were used by [Cisco]." Cisco further
17 objects to this interrogatory to the extent that it calls for information that is publicly available or
18 equally available to Arista, and therefore is of no greater burden for Arista to obtain than for Cisco
19 to obtain. Cisco further objects to this interrogatory on the grounds that it seeks information that
20 is not within Cisco's possession, custody, or control and is not reasonably available to Cisco.
21 Cisco also objects to this interrogatory as undefined, vague, ambiguous, overbroad, and unduly
22 burdensome in its use of the terms "used by anyone other than You," "used by You," and "who
23 used those CLI Command(s) before You used them." Cisco further objects to this interrogatory to
24 the extent it seeks information that is protected by the attorney-client privilege, that constitutes
25 attorney work-product, or that is protected by any other applicable privilege, protection, or
26 immunity, including without limitation in connection with the common interest doctrine.

27 Subject to and without waiver of its general and specific objections, and to the extent this
28 interrogatory can be understood, Cisco responds that after conducting a reasonable search it is not

PROOF OF SERVICE

I hereby certify that, at the date entered below and per the agreement of the parties, I caused a true and correct copy of the foregoing to be served by transmission via electronic mail, made available to counsel at the email addresses below:

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I declare under penalty of perjury that the foregoing is true and correct. Executed on May 27, 2016, at San Francisco, California.

/s/ Catherine R. Lacey

Catherine R. Lacey